

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ALPESHKUMAR V. SHAH,

Plaintiff,

v.

Case No. 04-C-0613

WISCONSIN DEPARTMENT OF  
TRANSPORTATION, ABDULAZIZ ALEIOW,  
JOHN SHAW, DEWAYNE JOHNSON,  
CLAUDIA PETERSON, and GAIL MILLER,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTIONS TO COMPEL  
AND DENYING AS MOOT DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S  
MOTIONS TO COMPEL**

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On August 31, 2005, the plaintiff, Alpeshkumar V. Shah ("Shah"), who is proceeding *pro se*, filed a Motion to Compel Answers to Interrogatories and a Motion to Compel Production, Inspection and Copying of Documents, pursuant to Fed. R. Civ. P. 37(a) and 34(b). In each of his motions, Shah asserts in conclusory fashion that he "has in good faith attempted to confer with the defendants' attorney in an unsuccessful effort to secure the requested information without court action." However, Shah has not complied with Civil Local Rule 37.1. That rule provides as follows:

**Civil L.R. 37.1 Discovery Motions**

All motions for discovery pursuant to Fed. R. Civ. P. 26 through 37 must be accompanied by a written statement by the movant that, after personal consultation with the party adverse to the motion and after sincere attempts to resolve their differences, the parties are unable to reach an accord. The statement must also recite the date and time of such conference and the names of all parties participating in it.

In light of the plaintiff's failure to comply with the provisions of Civil Local Rule 37.1, his

motions to compel will be denied without prejudice. Furthermore, in light of the court's ruling with respect to the plaintiff's motions to compel, the defendants' motion to strike the plaintiff's motions to compel will be denied as moot.

**NOW THEREFORE IT IS ORDERED** that the plaintiff's Motion to Compel Answers to Interrogatories and Motion to Compel Production, Inspection and Copying of Documents, pursuant to Fed. R. Civ. P. 37(a) and 34(b), be and are hereby **DENIED WITHOUT PREJUDICE**;

**IT IS FURTHER ORDERED** that the defendants' motion to strike the plaintiff's motions to compel be and hereby is **DENIED AS MOOT**.

**SO ORDERED** this 21st day of September 2005, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge